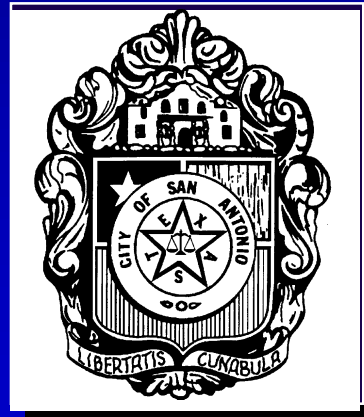


Right of Way Management Ordinance

Texas City Management Association
June 9, 2001



City of San Antonio
Public Works Department

Background

- In March 2000, utility cuts on a new reconstructed street produced public outcry to City Council demanding accountability regarding utility related street excavations.
- The Public Works Department was asked by the City Council to examine current street cut policies and procedures.
- The City Council Street Maintenance Committee was charged to oversee this activity.

Infrastructure Inventory

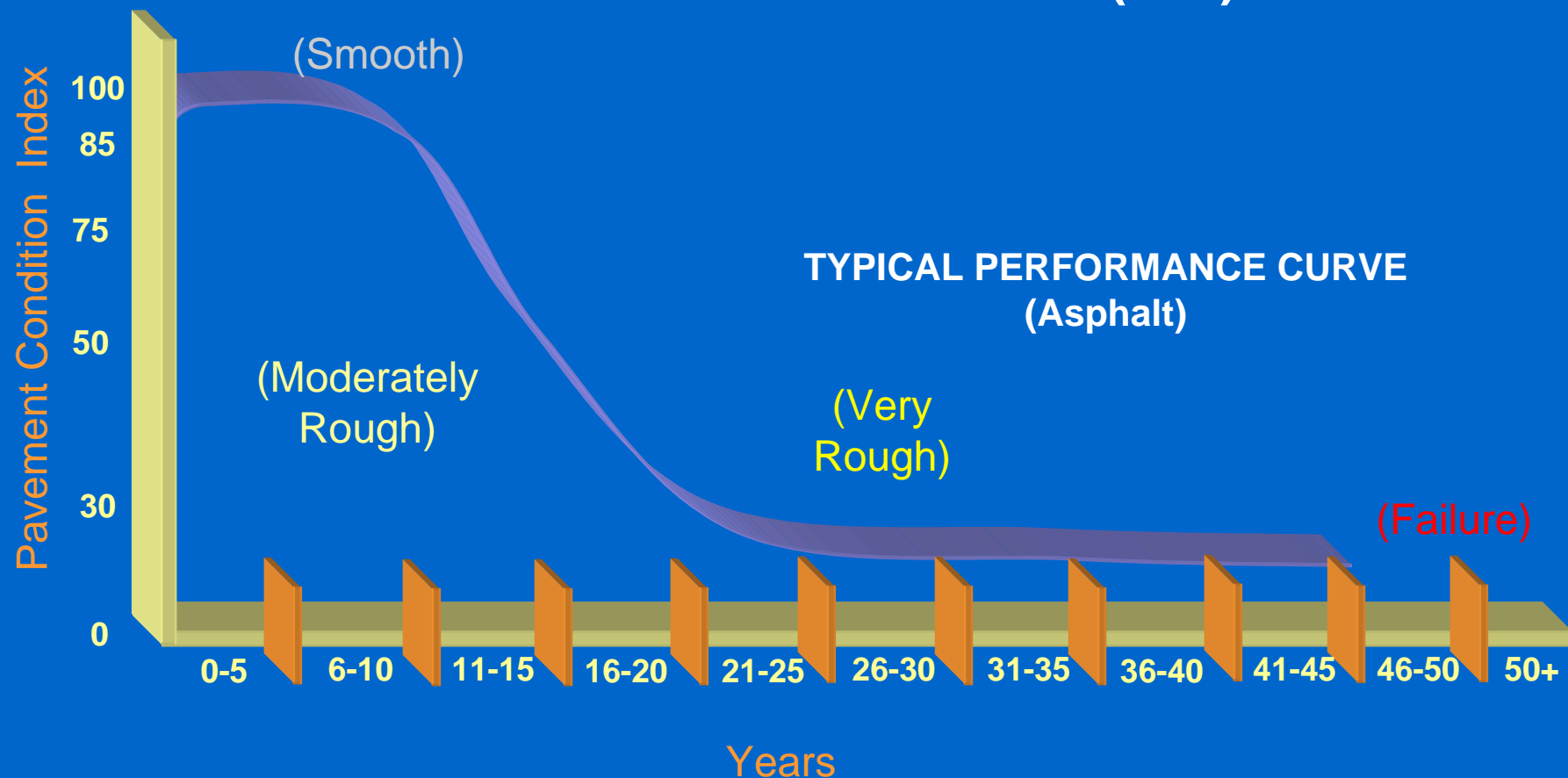
- Population of 1.1 million - 9th largest City
- Corporate area - 430 square miles
- 12,000 lane miles - streets
- 3,700 center lane miles - streets
- Public Works budget - \$155 million
- Street Maintenance budget - \$32 million
- Public Works employs over 1,100 employees

Street Condition Details

Condition	CI Range	% of Network	Miles	Pvmt Area (sf)	Lane Miles	Replacement Value
New Street	86 - 100	28.54	908.82	186,295,568	3,528.33	998,012,073
Penalty	51 - 85	33.31	1,209.66	217,439,471	4,118.17	1,159,898,389
No Penalty	0 - 50	38.15	1,473.68	249,014,300	4,716.18	1,338,431,694
		P M S Totals	3,592.16	652,749,339	12,362.68	3,496,342,156

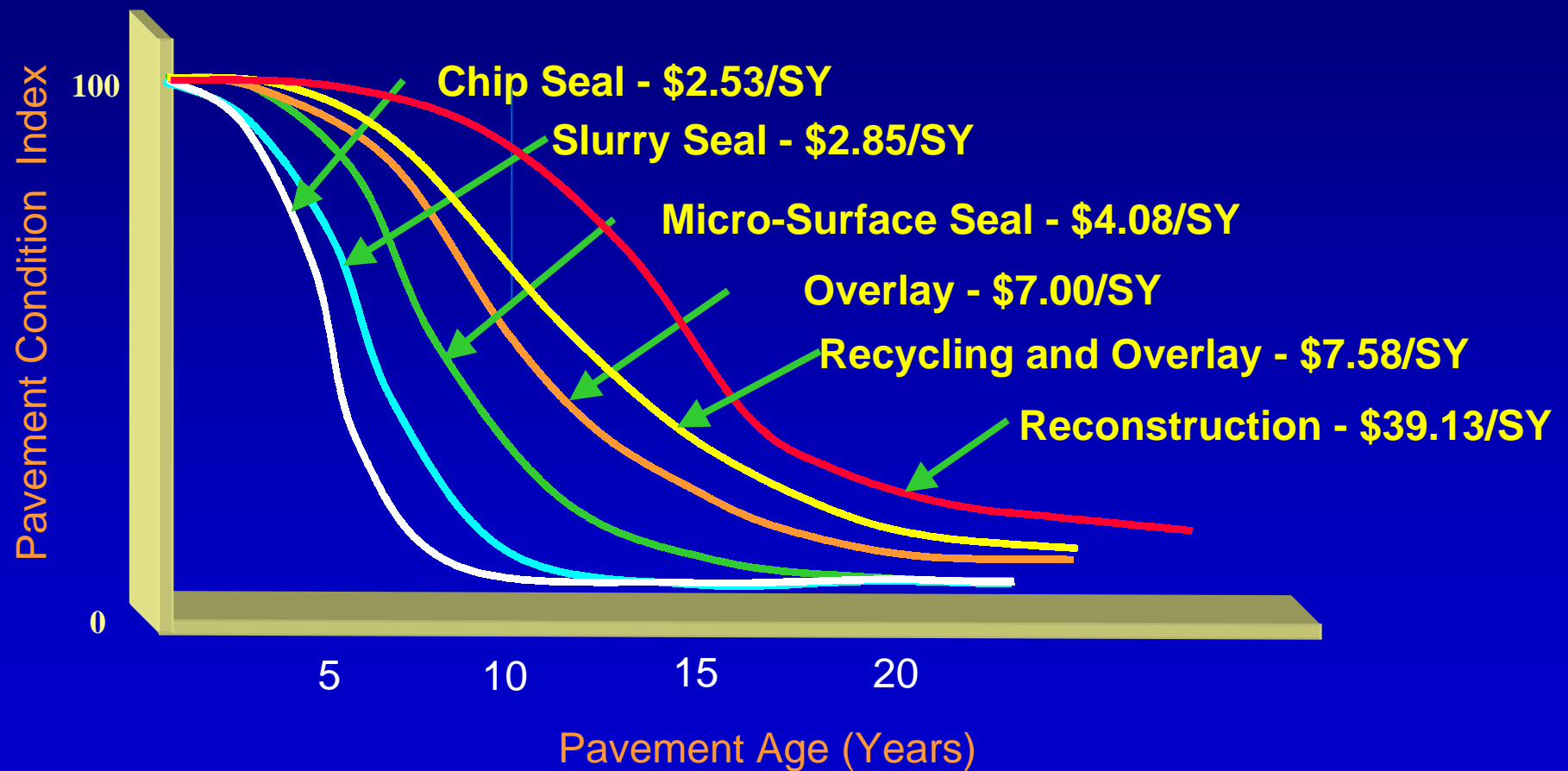
Condition Assessment

Performance Measured by Pavement Condition Index (PCI)



Depends on Traffic Volume and Loading

Pavement Treatment Decay Curves



City Council Street Maintenance Committee Goals

- **Reduce public inconvenience.**
- **Protect the City's \$3.4 billion investment.**
- **Guarantee proper street repair.**
- **Recover damage to streets that a repair cannot replace.**
- **Respond to public demand for quality streets.**
- **Equitable application of regulations to all providers.**

Right of Way Issues

Examination of the street excavation practices and trends revealed that two separate but related issues adversely affect the quality and life expectancy of the City's Right of Way:

- **Location and quality of street cuts/trench repair**
- **Deregulation of the Telecommunications industry**

Public Works Challenge

- To accomplish the Committee goals through policies which protect the interests of the City, which are flexible and still have the enforcement capacity to effect positive results from ROW users.
- To consider Utility Co. and Development Community concerns by providing street restoration options and variance procedures.
- To work within regulatory constraints.

Public Works Challenge

- To work through stakeholder agendas, lobbying efforts from utility companies and right of way users interested in maintaining the status quo or gaining an advantage while protecting the citizens investments in City infrastructure (streets, water, sewer, drainage, etc.).

Public Works Proposes to Develop a Right of Way Ordinance

- **In response to the City of San Antonio City Council concern regarding excavations in City streets, the Public Works Department proposed the adoption of an ordinance with which to manage and regulate the City's Right of Way.**
- **The development of the ordinance included guidance from the City Council Street Maintenance Committee and participation with the utility community.**

Utility Community Coordination

- **Public Works staff met regularly for 10 months with the utility community to formulate the ordinance, they requested that:**
 - **COSA develop performance based policies.**
 - **COSA include a variance process for the policies.**
 - **COSA consider the financial impact to them.**

Departmental Findings

- **City government has traditionally absorbed the costs for infrastructure construction and street maintenance programs.**
- **Public sentiment demands regulatory measures for the protection of property and life be developed and implemented.**
- **Federal and State laws facilitate CTP entry into cities and also exempt them from municipal fees and penalties used to manage the right of way.**

Departmental Findings

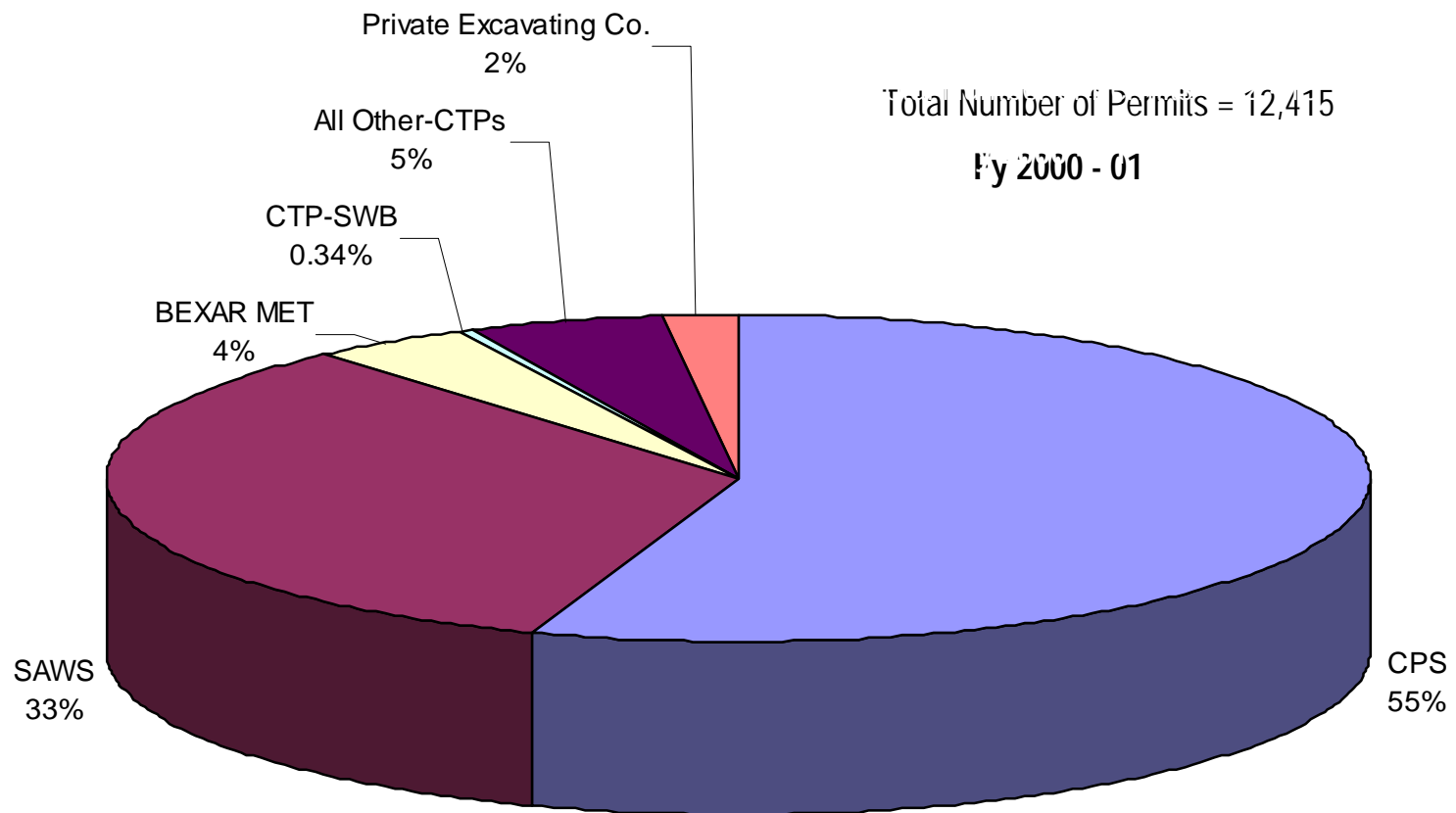
- **Street cut regulations inadequately address the adverse impact of street excavations.**
- **Excavations reduce the life of a street by 64%.**
- **Most street excavations are made by local utility companies and recently by a flood of CTPs seeking access to the “marketplace”.**

City Responsibility

- **To protect and manage all public assets, including ROW**
 - **Health, safety & welfare**
 - Clear Sight Lines, eliminate visual obstructions
 - Reduce number of potholes and trench failures
 - Reduction of public exposure to liability
 - **Economic vitality of City**
 - Poor streets have a negative impact on business
 - Aesthetics are important
 - **Right of way management will effect:**
 - Joint trenching, which can save cost
 - Reduction of conflicts prior to construction
 - Protect abuse of the City's infrastructure

City of San Antonio

Estimated % of Street Permits by Utility Company

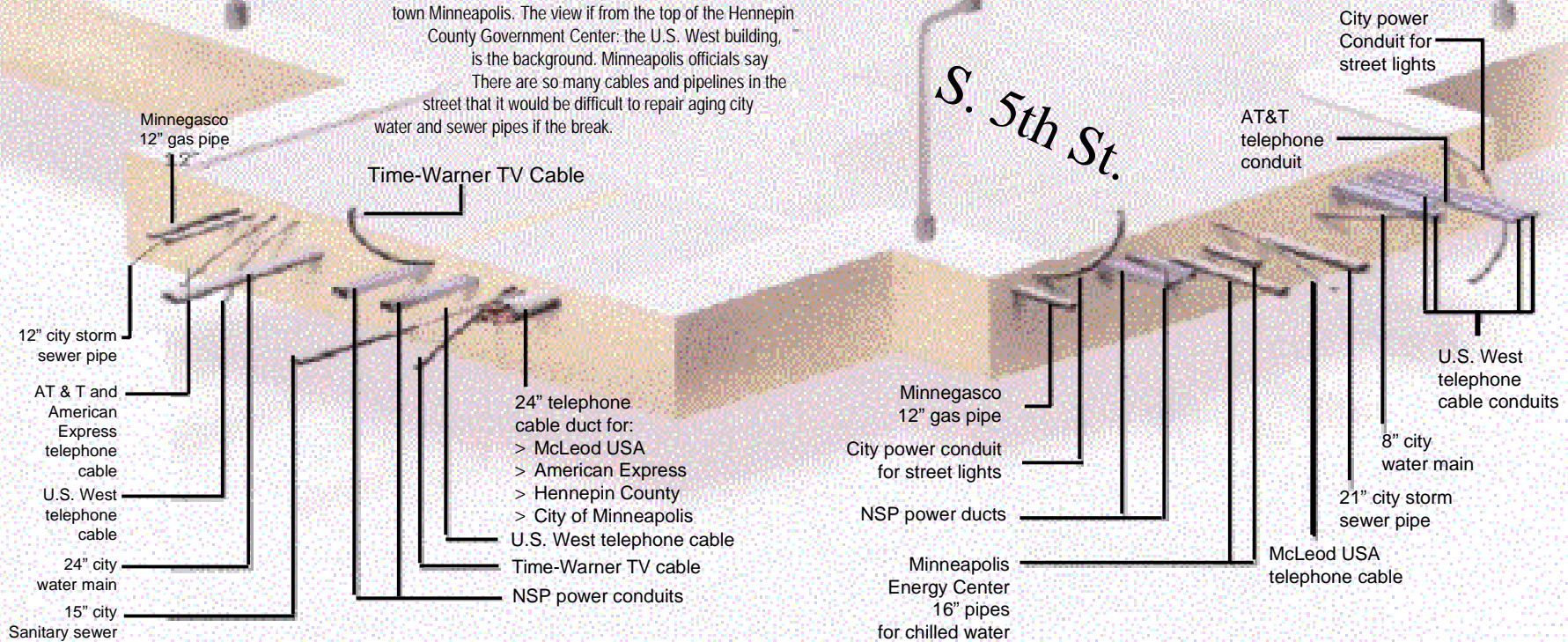


The recent communications outage at Northwest Airlines is just the latest example of a growing problem: The glut of underground cables and pipelines increases the risk of accidental cuts.

Underground tangle town

Beneath the streets

Underground congestion is evident in this cutaway drawing of the intersection of Third Avenue South and South Fifth Street in downtown Minneapolis. The view is from the top of the Hennepin County Government Center; the U.S. West building is the background. Minneapolis officials say there are so many cables and pipelines in the street that it would be difficult to repair aging city water and sewer pipes if the break.



Source: St. Paul Star Tribune

Ordinance Provisions

- Establishes new Fees and Penalties
- Requires Higher Quality Reconstruction standards
- Requires Lifetime Warranty
- Provides Incentives for better coordination
- Requires Public Safety measures
- Provides a Variance process

New Policy Fees

- Fees that apply to all utilities and private entities:
 - Electronic submittal of plans: free (will be phased in 3-5 yrs)
 - Paper submittal of plans: \$40/hr. minimum of 2 hrs/permit for digital conversion
 - Pavement restoration fee: optional service provided by COSA
- Fees that apply to all utilities and private entities, except CTPs:
 - Inspection Fee: \$200/trip
 - Registration/Administration Fee (one-time) \$30

New Ordinance Provisions

Reduce Public Inconvenience

- **Require traffic control safety training for excavators.**
- **Limit construction hours.**
- **Require phasing of large jobs.**
- **Non-compliance will result in the use of warnings which can escalate to cancelled permits, halting construction and/or the imposition of a \$500 per day fine.**
- **Phase in electronic submittal of plans.**

New Ordinance Provisions

Protect the City's \$3.4 Billion Investment

- **The excavation of new streets (PCI of 86-100) will require curb to curb, block to block reconstruction.**
- **Utilizing the Hot in-place asphalt recycling method is an option to restore the integrity and appearance of the street.**
- **Perform increased City inspections.**
- **A variance to this policy may be requested to accommodate unique circumstances.**

New Ordinance Provisions

Guarantee Proper Street Repair

- **Implement a Pavement Degradation Policy**
 - **Excavator guarantees the repair of the cut for the life of the street.**
 - **If a street repair fails the excavator must repair the trench and pay COSA to repair the pavement and also pay a pavement degradation fee.**

New Ordinance Provisions

Performance Based Policy Measures

- **Require block to block, curb to curb restoration on streets w/ a 86 - 100 PCI.**
- **Implement a degradation policy/fee once a trench or cut failure occurs on streets w/ a 51 - 85 PCI.**
- **Enforce public inconvenience measures which will range from warnings to halting construction and/or imposing monetary fines.**

New Ordinance Provisions

Equitable application of regulations to all providers

- **Federal and State laws facilitate access for CTPs to cities rights of way.**
- **House Bill 1777 (State law - Chapter 283) requires the equitable application of local regulations to all utilities.**

On-Going Utility Issues

1) CTP refusal to relocate facilities for civic projects at no cost to COSA.

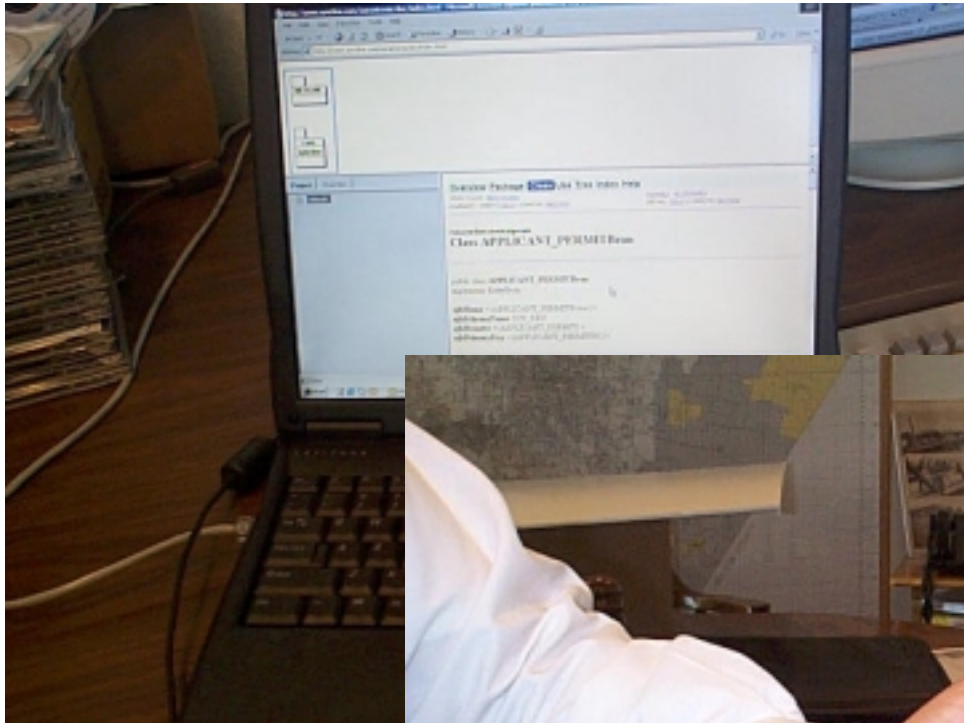
- SBC has recently started billing the City of San Antonio for adjusting their facilities on capital improvement/civic projects which do not require widening or straightening. An SBC cost estimate to adjust projects for the next two years - \$2M.**
- The Director of Public Works does not agree with this policy - needs clear direction from City Council on this issue.**

On-Going Utility Issues

- 2) 90 day notice on project schedule changes.
- 3) Emergency gas utility line point repairs.
(Handled through the variance process)
- 4) Emergency water and sewer line point repairs. (the Director of Public Works doesn't currently agree due to the extent of potential impact to the ROW)
- 5) Continue search of alternate repair methods.
- 6) Staff to develop and distribute an RFP for installing conduit space in high density areas.

Customer Service Technology

- Knowledgable staff - proficient w/ new technology
- PDA
- Wireless Computer
- GIS - GPS
- Internet
- Construction & traffic safety experience





City of San Antonio Street Cut Permit Applications



Built on the **MapCiti** platform
by **syncline**

San Antonio Street Cut Permit: Requirements, Design and Storyboards

23 April 2001

- View the [requirements](#) document.
- View the [technical documentation](#) (UML model).
Note: Use the menu in the lower-left corner to expand the 'default' branch and start with the 'User Roles' diagram.
- View the [storyboard](#).

26 April 2001

- View a sample [walkthrough](#) (Company Employee role).
Note: These are mock-ups. Form fields and column headers do not fully reflect design documentation at this time.

3 May 2001

- Development is on schedule. As of close of business this week, overall architecture, data access and authentication framework will be complete. View a [walkthrough](#) of the authentication sequence.

10 May 2001

- Updated the [technical documentation](#).

New Development in Technology

- Construction of a Multi-duct system - “Utili-door”
- Installation of fiber optic cables through sewer lines

Emerging Technology

- **Chips in Pavement**
- **Smart Infrastructure**
- **Finer resolution of GPS and GIS
(locational technology)**
- **Management Technologies and Strategies**

Results

- **Staff assembled additional resources (staff, contractor and equipment) to implement ordinance program by April 2001.**
- **A Right of Way Management Ordinance was implemented on May 1, 2001.**
- **April 1 - Utility Excavation Criteria Manual filed w/ the City Secretary - Staff and Resources assembled.**
- **May 1-4 10 requests for permits**
- **May 7-31 1400 requests for permits**

How We Met the Challenge

- Identified clear goals and objectives.
- Stayed focused and worked with facts.
- Educated elected officials and the public.
- Emphasized the value of our streets to them.
- Utilized newspaper articles which reported examples of adverse utility related construction.
- Provided examples of local utility accidents.
- Worked with a leader to champion the cause.

How We Met the Challenge

- **Use your available resources**
 - **City Council Street Maintenance Committee**
 - **Public Utilities Commission (PUC) Workshop**
 - **PUC site visit**
 - **interact w/ other communities**
- **Provide City Officials with your best professional expertise and opinions founded in facts**

City of San Antonio Public Works Department

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